

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MYLES JACOB NEES,

Case No. 6:21-cv-00913-JE

Petitioner,

ORDER

v.

JOSHUA HIGHBERGER,

Respondent.

JELDERKS, Magistrate Judge.

In response to the Court's Order (#22) dated November 24, 2021, Petitioner has indicated his intention to proceed with this habeas corpus case. He has also filed a renewed Motion for Appointment of Counsel (#23), which is granted.<sup>1</sup> The Federal Public Defender, 101 S.W. Main, Suite 1700, Portland, Oregon 97204, is appointed to represent Petitioner in this proceeding. See 18 U.S.C. § 3006A(a)(2)(B). With the assistance of newly-

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<sup>1</sup> The Court denied Petitioner's initial Motion for Appointment of Counsel (#2) with leave to renew once Respondent filed its Answer, Response, and Exhibits. After reviewing those documents, it is apparent that this case would benefit from the appointment of counsel.

appointed counsel, Petitioner shall file an amended supporting memorandum addressing all claims he wishes to argue.<sup>2</sup>

Respondent's pending Motion to Dismiss and Deem Refiled (#19), which Petitioner has not opposed, is granted. The Petition is deemed refiled as of September 23, 2021.

**CONCLUSION**

Respondent's Motion to Dismiss and Deem Refiled (#19) and Petitioner's Renewed Motion for Appointment of Counsel (#23) are granted. Petitioner's amended supporting memorandum is due March 8, 2022. The Court will take this case under advisement on March 23, 2022.

The Clerk is directed to send the Federal Public Defender a copy of the Petition (#1).

IT IS SO ORDERED.

January 12, 2022  
DATE

/s/ John Jelderks  
John Jelderks  
United States Magistrate Judge

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<sup>2</sup> In his *pro se* filings, Petitioner asks the Court to take only one of his five grounds for relief under advisement. The Court declines to adopt such a piecemeal approach to this case and allows Petitioner an opportunity to file a comprehensive brief through appointed counsel.